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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,669	10/22/2003	Yukihiko Ichikawa	011350-323	6501
21839 7590 10/29/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER CHU, RANDOLPH I	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 10/29/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/689,669	<b>Applicant(s)</b> ICHIKAWA ET AL.	
	<b>Examiner</b> Randolph Chu	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/14/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 16-24 is/are rejected.
- 7) ☒ Claim(s) 6, 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendment**

In response to applicant's amendment received on August 14, 2007, all requested changes to the claims have been entered.

### **Response to Argument**

Applicant's arguments filed on August 14, 2007 have been fully considered and they are persuasive. An office action based on the new grounds follows below.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-24 are all directed to a distributed software agent. "Computer program stored on a computer readable medium" refers to software, which is functional descriptive material, which per se is nonstatutory. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in

most cases. The examiner suggest "A computer readable medium storing a computer program". Please refer to "United States Patent and Trademark Office OG Notices: 22 November 2005" Annex IV for further guidance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 8 are rejected under 35 USC 103(a) as being unpatentable over Tanaka (US 2002/0003897) in view of Hoffman et al. (US 2004/0169664) and further in view of Stone et al. (US 5,596,690).

Tanaka teaches an image area extracting part for extracting a plurality of image areas from image data (Fig.1 ref label 19); a positional information recognizing part for recognizing positional information of each extracted image area (Fig 5A ref label S4605, paragraph [0085]); an attribute recognizing part for recognizing at least attributes concerning whether each extracted image area is a filled closed area or an unfilled closed area (abstract, an enclosed area color detection unit that detects the colors inside the enclosed area);

Tanaka does not teach a file producing part for producing a file by synthesizing said image areas based on the positional information recognized by said positional information recognizing part; and a sequence setting part for setting up overlaying sequence for each image area in accordance with the recognition result of said attribute recognizing part, wherein said file producing part produces the file by overlaying said image areas in accordance with the overlaying sequence set up by said sequence setting part.

Hoffman et al. teaches a file producing part for producing a file by synthesizing said image areas based on the positional information recognized by said positional information recognizing part (para. [0006] and [0059]) wherein said file producing part produces the file by overlaying said image areas in accordance with the overlaying sequence set up by said sequence setting part (para. [0059]).

Stone et al. teaches sequence setting part for setting up overlaying sequence for each image area in accordance with the recognition result (opaque and obscure of color) of said attribute recognizing part (col. 33, lines 46 – 65, Fig. 27).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to set up overlaying sequence for image area and save into a file in the device of Tanaka.

The suggestion/motivation for doing so would have been that to optimize image processing by identifying / segmenting the image layer so that they can be processed individually and then recombined into a desired order to achieve a better output image.

Therefore, it would have been obvious to combine Hoffman et al. Stone et al. and with Tanaka to obtain the invention as specified in claim 1.

With respect to claim 8, Tanaka teaches document scanning unit for scanning documents to obtain input image data, wherein said image area extracting part extracts a plurality of image areas from the input image data obtained by scanning the documents (para. [0041]).

4. Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Tanaka (US Patent Application Pub. 2002/0003897) in view of Hoffman et al. (US 2004/0169664) and Stone et al. (US 5,596,690) as applied to claim 1 above and further in view of Bourder et al. (US Patent Application Pub. 2005/0116963).

Tanaka in view of Hoffman et al. and Stone et al. teaches all the limitation of claim 1 which claim 2 depends.

Tanaka in view of Hoffman et al. and Stone et al. does not teach that said sequence setting part sets up the overlaying sequence to overlay unfilled closed areas in front of filled closed areas.

Bourder et al. teaches overlaying unfilled closed areas in front of filled closed areas (paragraph [0025]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to overlay unfilled closed areas in front of filled closed areas in the device of Tanaka, Hoffman et al. and Stone et al.

The suggestion/motivation for doing so would have been that to exhibit transparency instead of covering another object when object is unfilled (Bourder et al. , paragraph [0025]).

Therefore, it would have been obvious to combine Bourder et al. with Tanaka, Hoffman et al. and Stone et al. to obtain the invention as specified in claim 2.

5. Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Tanaka (US Patent Application Pub. 2002/0003897) in view of Hoffman et al. (US 2004/0169664) and Stone et al. (US 5,596,690) in further view of Bourder et al. (US Patent Application Pub. 2005/0116963) as applied to claim 2 above and in further view of Accad (US Patent 6,330,363)

Tanaka in view of Hoffman et al. and Stone et al. in further view of Bourder et al. teaches all the limitation of claim 2 which claim 3 depends.

Tanaka in view of Hoffman et al. and Stone et al. in further view of Bourder et al. does not teach that said sequence setting part sets up the overlaying sequence to overlay line areas in front of filled closed areas.

Accad teaches overlaying line areas in front of filled closed areas. (col. 7 line 60 – col.8 line 10).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to overlay line in front of filled closed areas in the device of Tanaka, Hoffman et al. and Stone et al.

The suggestion/motivation for doing so would have been that to avoid covering line by filled closed areas.

Therefore, it would have been obvious to combine Accad with Tanaka, Hoffman et al., Stone et al. and Bourder et al. to obtain the invention as specified in claim 2.

6. Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Tanaka (US Patent Application Pub. 2002/0003897) in view of Hoffman et al. (US 2004/0169664) and Stone et al. (US 5,596,690) as applied to claim 1 above and further in view of Ohta et al. (US Patent 7,054,029).

Tanaka in view of Hoffman et al. and Stone et al. teaches all the limitation of claim 1 (see above) which claim 4 depends.

Tanaka in view of Hoffman et al. and Stone et al. also teach said image area extracting part comprises a first extracting part for extracting text image areas (Tanaka, Fig. 3, S4200) graphic image areas (Tanaka, Fig. 3, S4400), and photographic image areas (Tanaka, paragraph [0049]), from image data, and a second extracting part for extracting filled closed areas, unfilled closed areas, and line areas that do not form any closed areas from the extracted graphic image areas (Tanaka, Fig. 3, S4500, S4600, S4700, Fig.9 –Fig14); wherein said attribute recognizing part recognizes attributes concerning whether each extracted image area is a text image area, a photographic image area, a filled closed area, an unfilled closed area or a line area (Tanaka, paragraph [0049]), ;



Tanaka in view of Hoffman et al. and Stone et al. does not teach that said sequence setting part sets up the overlaying sequence for each image area of text image areas, photographic image areas, filled closed areas, unfilled closed areas, and line areas in accordance with the recognition results of said attribute recognizing part.

Ohta et al. teaches that said sequence setting part sets up the overlaying sequence for each image area of text image areas, photographic image areas, filled closed areas, unfilled closed areas, and line areas in accordance with the recognition results of said attribute recognizing part (Fig 2A 112, Fig. 5, Fig. 6).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to sets up the overlaying sequence for each image area of text image areas, photographic image areas, filled closed areas, unfilled closed areas, and line areas in the device of Tanaka, Hoffman et al and Stone et al.

The suggestion/motivation for doing so would have been that to optimize image processing by identifying / segmenting the image layer so that they can be processed individually and then recombined into a desired order to achieve a better output image.

Therefore, it would have been obvious to combine Ohta et al. with Tanaka, Hoffman et al. and Stone et al. to obtain the invention as specified in claim 4.

7. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Tanaka (US Patent Application Pub. 2002/0003897) in view of Hoffman et al. (US 2004/0169664)\_as applied to claim 4 above and further in view of Ohta et al. (US Patent 7,054,029).

Tanaka in view of Hoffman et al. and further in view of Ohta et al. teaches all the limitation of claim 4 (see above) which claim 5 depends.

Tanaka in view of Hoffman et al. and further in view of Ohta et al. does not teach that said sequence setting part sets up the overlaying sequence to overlay text image areas in front, filled closed areas and photographic image areas in back, and unfilled closed areas and line areas in between them.

It is clear that person of ordinary skill in the art to think text as most important information, so that, overlay text image areas in front, to avoid blocking line or unfilled closed area by photographic image or filled closed area, overlay lines and unfilled closed area in the middle and photographic image and filled closed area in back.

Therefore, it would have been obvious to combine Ohta et al. with Tanaka and Hoffman et al. to obtain the invention as specified in claim 5.

8. Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Tanaka (US Patent Application Pub. 2002/0003897) in view of Hoffman et al. (US 2004/0169664) and further in view of Ohta et al. (US Patent 7,054,029).

Tanaka in view of Hoffman et al. and further in view of Ohta et al. teaches all the limitation of claim 4 (see above) which claim 7 depends.

Tanaka also teaches a vector transforming part for transforming image data in graphic image areas into vector data (Fig. 4);

a closed area extracting part for extracting closed areas based on the connection relation of a plurality of vector data (Fig. 5A); a color information judging part for

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judging whether the color information of internal points and external points of the extracted closed areas are the same(Fig. 6 S4710); and a filled closed area detecting part for detecting filled closed areas based on the judgment results of the color information judging part (Fig. 6 S4750).

With respect to claim 9, please refer to rejection for claim 1.

With respect to claim 10, please refer to rejection for claim 2.

With respect to claim 11, please refer to rejection for claim 3.

With respect to claim 12, please refer to rejection for claim 4.

With respect to claim 13, please refer to rejection for claim 5.

With respect to claim 15, please refer to rejection for claim 7.

With respect to claim 16, please refer to rejection for claim 8.

With respect to claim 17, please refer to rejection for claim 1.

With respect to claim 18, please refer to rejection for claim 2.

With respect to claim 19, please refer to rejection for claim 3.

With respect to claim 20, please refer to rejection for claim 4.

With respect to claim 21, please refer to rejection for claim 5.

With respect to claim 23, please refer to rejection for claim 7.

With respect to claim 24, please refer to rejection for claim 8.

***Allowable Subject Matter***

9. Claims 6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

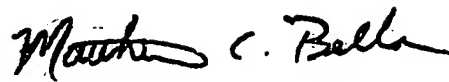
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695/7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RIC/

A handwritten signature in black ink, appearing to read "Matthew C. Bella". The signature is fluid and cursive, with the first name "Matthew" being more prominent than the last name "Bella".

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600